

Remarks

Applicants are filing a Request for Continued Examination (RCE) concurrently herewith, instead of proceeding with the appeal.

Claim 16, the only independent claim under consideration, has been amended to incorporate the subject matter of claim 23, as a result of which claim 23 has been cancelled. Furthermore, in view of the amendment to claim 16, claims 26, 32, 38, 40 and 45 have also been cancelled.

As indicated above, claim 16 has been amended to require that Rp/Rmax is set to 0.55 or less, whereby a cross section of grain aggregates forming the surface shape is formed into a trapezoidal or rectangular shape. In the first full paragraph on page 7 of the Examiner's Answer mailed November 4, 2004, the Examiner notes that Mikoshiba et al. disclose that the transparent conductive electrode may comprise crystal grain aggregates, referring to the paragraph bridging columns 3 and 4 of the reference. However, Mikoshiba et al. fail to teach or suggest that "a cross section of grain aggregates forming the surface shape is formed into a trapezoidal or rectangular shape", as required by amended claim 16. Rather, the reference discloses that the electroconductive layer is composed of two uniformly mixed phases comprising a crystalline phase of 1-80% by area and an amorphous phase of 99-20% by area, where the crystal grains of the crystalline phase are placed in a sea of the amorphous phase. This is in contrast to the present invention, wherein the surface shape is formed of grain aggregates (meaning a crystalline phase of **almost 100%**).

For these reasons, Applicants take the position that the presently claimed invention is clearly patentable over the Mikoshiba et al. reference.

Accordingly, in view of the foregoing amendments and remarks, it is submitted that the present application is in condition for allowance. Such allowance is solicited.

Respectfully submitted,

Ryoumei OMOTE et al.

By:



Michael R. Davis

Registration No. 25,134

Attorney for Applicants

MRD/pth
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
January 4, 2005